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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,673	01/17/2002	Wettach Reto	SONYJP 3.0-232	1159

530 7590 04/19/2006

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EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2623

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,673

Applicant(s)

RETO, WETTACH

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/02, 7/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16, 21-27, 36-56 and 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cooper et al (6,754,904)** in view of **Zenith (6,519,771)**.

As to claims 1-4, note the **Cooper** reference figures 5-7 and 11-12, discloses information network users of television programming viewed by other network users and further discloses a client device, comprising:

A connection interface (Communication Card 'CC' 514) operable to connect to a server (Server 506) through a network (Internet, figs.5 and col.3, line 57-col.4, line 27);

A receiver (Set top box 'STB' 500) operable to receive content data for displaying content (col.3, line 57-col.4, line 27);

A data storage unit (STB-500 storage unit) operable to store icon identification data sets (one or more graphic images links, banner, etc., col.4, lines 28-49 and TV-enhanced overlays 520, 820, 1110, etc.,) that each responds to a different icon (fig.5, 11-12, col.4, lines 22-27, col.6, lines 24-29 and col.7, lines 4-38);

A display unit (TV-502) operable to display the content based on the content data, and to display icon buttons (Selectable text 1104-1108, one or more graphic images links, banner, etc.,) that represent the icons (col. 7, lines 4-38);

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A selection unit (User Input Device) enabling a first user to select a desired one of the icon buttons (col.4, lines 22-33, col.5, lines 54-62, col.6, lines 40-57 and col.7, lines 4-59) and

A transmitter (CC-514) operable to transmit a request to the sever (Server 506/1204), the request including the icon identification data set that corresponds to the icon represented by the selected icon button, and a command that the server transmit the icon identification data set to another client device connected to the server (col.7, lines 4-59) and further teaches clients exchanging messages to enable clients to tune to the same program on different station depending on geographical locations (figs.6-7, col.4, line 28-col.5, line 62).

Cooper fails to explicitly teach storing icon identification data sets and where the transmitted request to another client device via the server includes icon identification data set that corresponds to the icon represented by the selected icon button

However, note the **Zenith** reference figures 1 and 4-7, discloses system for interactive chat without a keyboard where a client devices stores selectable icon identification data sets, for various communications such as: responses to a comment, displays a result of responses or answers, advertisements, etc., where the icons are transmitted over a network (Internet) via a server, and superimposed on the content at other clients and enables communications between clients via the server without the use of a keyboard and further transmits voice or video messages (col.5, lines 21-52, col.6, lines 4-45, line 64-col.7, line 27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Zenith into the system of Cooper in order to enable a user to participate in a chat by using a pointing device, to interact to icons or objects on the display interface to communicate messages to other clients, instead of a keyboard.

As to claims 5-6, Cooper further discloses where the displays a buddy list superimposed over the content, the buddy list indicating on-line status of other client devices connected to the server and where the display unit switches from display of the buddy list to display of a visual clue that is smaller than the buddy list, the visual clue indicating on-line status of the other client devices connected to the server (col.4, lines 7-41, col.6, lines 14-17 and col.7, lines 4-59).

Claims 7-11 are met as previously discussed with respect to claim 1-4.

Claims 12-16 are met as previously discussed with respect to claim 1-4.

Claims 21-22 are met as previously discussed with respect to claim 1-4.

As to claims 24-27, note the **Cooper** reference figures 5-7 and 11-12, discloses information network users of television programming viewed by other network users and further discloses a method of interactive television communication between a plurality of client devices connected to a server through a network, comprising:

(Server 506/1204) Receiving over the network from the client devices (Set top box 'STB' 500) information of a television viewing status of the client device (figs.5-7, 11, 12, col.3, line 56-col.4, line 27 and col.6, lines 24-57);

(Server 506/1204) Preparing a buddy list of client devices for one of the client devices, the buddy list including the information on the television viewing status of the client devices in the buddy list (fig.11, col.6, lines 14-17, lines 40-57 and col.7, lines 4-28);

(Server 506/1204) Sending the information on the television viewing status of the client devices in the buddy list over the network to the one client device (col.7, lines 4-47);

Cooper for teaches receiving request over the network from the one client device to execute a message to a particular client device in the buddy list and sends the message including identification data corresponding to the desired message to the particular client device on the buddy list (col.7, lines 4-59) and further teaches clients exchanging messages to enable clients to tune to the same program on different station depending on geographical locations (one or more graphic images, figs.5-6 and col.4, line 28-col.5, line 62).

Cooper fails to explicitly teach sending icon identification data corresponding to a desired icon over the network to a particular client device in the buddy list.

However, note the **Zenith** reference figures 1 and 4-7, discloses system for interactive chat without a keyboard where a client devices stores selectable icon identification data sets, for various communications such as: responses to a comment, displays a result of responses or answers, advertisements, etc., where the icons are transmitted over a network (Internet) via a server, and superimposed on the content at other clients and enables communications between clients via the server without the

use of a keyboard and further transmits voice or video messages (col.5, lines 21-52, col.6, lines 4-45, line 64-col.7, line 27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Zenith into the system of Cooper in order to enable a user to participate in a chat by using a pointing device, to interact to icons or objects on the display interface to communicate messages to other clients, instead of a keyboard.

Claims 36-37 are met as previously discussed with respect to claims 24-27.

As to claim 38, Cooper further discloses where the information on the TV viewing status includes information indicating which of the client devices in the buddy list are displaying the same TV programs (col.4, line 28-col.5, line 1+ and col.7, lines 4-59).

Claims 39-41 are met as previously discussed with respect to claims 24-27.

Claims 42-49 are met as previously discussed with respect to claims 24-27.

As to claims 50-56, note the **Cooper** reference figures 5-7 and 11-12, discloses information network users of television programming viewed by other network users and further discloses a method of interactive television communication between a plurality of client devices connected to a server through a network, comprising:

Receiving (Set top box 'STB' 500) content data at a first one of the client devices; (fig.5-6 and col.3, line 57-col.4, line 27);

Displaying (TV-502) the content the content data received at the first one of the client devices; displaying icon buttons (one or more graphic images, col.4, lines 28-49 and TV-enhanced overlays 520, 820, 1110, etc.,) each representing a different icon (col.

7, lines 4-38); selecting one of the icon buttons representing a desired icon (col.4, lines 22-33, col.5, lines 54-62, col.6, lines 40-57 and col.7, lines 4-59);

Sending a request from the first one of the client devices to the server, the request instructing that the desired icon be executed at another one of the client devices; receiving the request at the server over the network; sending icon identification data corresponding to the desired icon over the network to the another one of the client devices; receiving the icon identification data at the another one of the client device; and executing the desired icon at the another one of the client devices based on the icon identification data (col.4, line 28-col.5, line 62 and col.7, lines 4-59).

Cooper fails to explicitly teach sending icon identification data corresponding to a desired icon over the network to another one of the client devices and executing the desired icon at another one of the client device.

However, note the **Zenith** reference figures 1 and 4-7, discloses system for interactive chat without a keyboard where a client devices stores selectable icon identification data sets, for various communications such as: responses to a comment, displays a result of responses or answers, advertisements, etc., where the icons are transmitted over a network (Internet) via a server, and superimposed on the content at other clients and enables communications between clients via the server without the use of a keyboard and further transmits voice or video messages (col.5, lines 21-52, col.6, lines 4-45, line 64-col.7, line 27).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Zenith into the system of Cooper in order

to enable a user to participate in a chat by using a pointing device, to interact to icons or objects on the display interface to communicate messages to other clients, instead of a keyboard.

Claims 67-69 are met as previously discussed with respect to claims 50-56.

3. Claims 17-20, 28-35 and 57-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cooper et al (6,754,904)** in view of **Zenith (6,519,771)** as applied to claims 15, 25 and 55 above, and further in view of **DeWeese et al (2005/0262542)**.

As to claims 17-20, Cooper teaches providing EPG to the STB from the Internet server using the STB billing address (col.5, lines 28-33, Cooper as modified by Zenith, fail to explicitly teach where the content is pay content, PPV, VOD, discounting fees for the pay content, providing incentive points, receiving agreement to pay information from a particular client device.

However, note the **DeWeese** reference figures 1-3, discloses s TV chat system which includes pay content, such as PPV and other payment content (page 3, [0051] and [0076]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of DeWeese into the system of Cooper as modified by Zenith to provide various billing and payment services to enable users to chose services that meet their needs and further to enable the service provider to provide services, on payment bases to generate income.

Claims 28-35 are met as previously discussed with respect to claims 17-20.

Claims 57-66 are met as previously discussed with respect to claims 17-20.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Crawford (6,781,608) discloses gradual image display.

Appelman (6,677,968) discloses user definable on-line co-user.

Kim (2003/0156134) discloses graphic chatting with organizational avatars.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', with a stylized flourish at the end.

Annan Q. Shang